

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Vale	Team: Squad #6	CCRB Case #: 201704790	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/15/2016 6:00 AM	Location of Incident: Inside of § 87(2)(b)	Precinct: 48	18 Mo. SOL 6/15/2018	EO SOL 6/15/2018	
Date/Time CV Reported Sat, 12/17/2016 1:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/14/2017 12:34 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Harry Delacruz	20377	941272	GANG BX
2. DT3 Thomas Dunsing	07648	903854	GANG BX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Joseph Rivera	04639	943738	GANG BX

Officer(s)	Allegation	Investigator Recommendation
A.POM Harry Delacruz	Abuse: Detective Harry Delacruz entered and searched § 87(2)(b) in the Bronx.	
B.DT3 Thomas Dunsing	Discourtesy: Detective Thomas Dunsing spoke discourteously to § 87(2)(b)	
C.DT3 Thomas Dunsing	Force: Detective Thomas Dunsing struck § 87(2)(b) with a police shield.	
D.DT3 Thomas Dunsing	Force: Detective Thomas Dunsing struck § 87(2)(b) with a police shield.	
E.POM Harry Delacruz	Abuse: Detective Harry Delacruz failed to show the search warrant to § 87(2)(b)	

Case Summary

On December 17, 2016, Sgt. Kurt Hall of the 48th Precinct filed this complaint with the Internal Affairs Bureau on behalf of § 87(2)(b) and § 87(2)(b). On June 14, 2017, the Civilian Complaint Review Board received this complaint under IAB original log #16-44092.

On December 15, 2016, at approximately 6:00 a.m., Det. Harry Delacruz and other officers from Bronx Gang arrived to the location of § 87(2)(b) § 87(2)(b), in the Bronx, in response to a valid search warrant (**Allegation A: Abuse of Authority,** § 87(2)(g) Det. Thomas Dunsing told § 87(2)(b) to “get the fuck on the floor” (**Allegation B: Discourtesy,** § 87(2)(g) § 87(2)(g)) before striking him with his police shield (**Allegation C: Force,** § 87(2)(g) § 87(2)(g)). Det. Dunsing struck § 87(2)(b) with his police shield (**Allegation D: Force,** § 87(2)(g) § 87(2)(g)). Det. Delacruz failed to show the search warrant to § 87(2)(b) (**Allegation E: Abuse of Authority,** § 87(2)(g) § 87(2)(g)).

Video footage was not obtained for this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Detective Harry Delacruz entered and searched § 87(2)(b), in the Bronx.

It is undisputed that Bronx Gang officers, including Det. Delacruz, entered and searched § 87(2)(b) § 87(2)(b), in the Bronx, on December 15, 2016, at approximately 6:00 a.m., pursuant to a valid NYS search warrant for the location which resulted in positive results for narcotics.

As per NYS Search Warrant § 87(2)(b) dated on § 87(2)(b), and signed by § 87(2)(b), officers were permitted to enter the location without giving notice of authority and purpose to search for property related to unlawful possession, packaging and sale of cocaine and marijuana, and U.S. currency (BR 01).

Property Vouchers, § 87(2)(b) [REDACTED]
[REDACTED] indicated that several plastic bags with cocaine residue, a scale with cocaine residue, a metrocard with cocaine residue, several bags of marijuana, a full box of ammunition, a dagger, and \$1959 in U.S. Currency were recovered from the apartment (BR 02).

A police officer may enter and search a location for which they have a valid search warrant. A search warrant must be executed within 10 days of its issuance between the hours of 6:00 A.M. and 9:00 P.M. Officers are permitted to seize property pursuant to the search warrant. New York Criminal Procedure Law Sections 690.30 and 690.50 (BR 03 – 04).

§ 87(2)(b), § 87(2)(g) §
7
2
(b
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Allegation B – Discourtesy: Detective Thomas Dunsing spoke discourteously to § 87(2)(b)
Allegation C – Force: Detective Thomas Dunsing struck § 87(2)(b) with a police shield.

§ 87(2)(b) was contacted on various occasions and several letters were sent to him. Initially, § 87(2)(b) stated that he wanted to consult his criminal attorney prior to providing the CCRB with a statement. Eventually, § 87(2)(b) provided a phone statement but missed two CCRB interviews. On August 31, 2017, § 87(2)(b)'s attorney § 87(2)(b) was contacted and he stated that he did not want § 87(2)(b) to provide a CCRB statement at the time. § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Force: Detective Thomas Dunsing struck § 87(2)(b) with a police shield.

It is undisputed that officers attempted to secure the premises prior to conducting a search of the location. Entry officers went up to the second floor of the apartment and instructed § 87(2)(b) and § 87(2)(b) who were all in the hallway to get on the floor and everyone complied. § 87(2)(b) who was not in handcuffs at the time, attempted to stand up from the ground. § 87(2)(b) and § 87(2)(b) alleged that Det. Dunsing then hit § 87(2)(b) either on his arm or face with the police shield and pushed him back to the ground. § 87(2)(b) was not injured and he did not seek medical attention. The investigation was unable to obtain a statement from § 87(2)(b) regarding this incident (BR 05 – 11). Det. Dunsing denied taking any actions against § 87(2)(b) using his police shield and Det. Delacruz and Sgt. Joseph Rivera of Bronx Gang, witnesses to this incident, denied seeing Det. Dunsing take this action. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation E – Abuse of Authority: Detective Harry Delacruz failed to show the search warrant to § 87(2)(b)

It is undisputed that as § 87(2)(b) was in the living room, Det. Delacruz spoke with her about the incident. § 87(2)(b) alleged that she asked Det. Delacruz if he had a warrant and Det. Delacruz responded that he would show it to her later. However, § 87(2)(b) was never provided with the warrant. Det. Delacruz denied refusing to show § 87(2)(b) the warrant and Det. Delacruz and Sgt. Rivera, witnesses to this incident, denied hearing Det. Delacruz refuse to show the warrant. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) have no prior CCRB complaints (BR 12).
- § 87(2)(b)
- Det. Delacruz has been a member of the NYPD for 11 years and has 18 allegations in nine cases with no substantiated allegations (see officer history).
- Det. Dunsing has been a member of the NYPD for 24 years and has 14 allegations in seven cases with three substantiated allegations (see officer history).

- In CCRB case #201006348, a stop and frisk were substantiated and he received instructions.
- In CCRB case #201102375, a search of person was substantiated. However, no penalty was imposed as the statute of limitations had exceeded.
- § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to § 87(2)(b) and § 87(2)(b)s arrests with no DAT.
- According to the NYC Comptroller's Office, as of August 30, 2017, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim regarding this incident (BR 14).
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)

Squad No.: 6

Investigator: _____
Signature Investigator Diana Vale Date
Print Title & Name

Squad Leader: _____
Signature Investigative Manager Jessica Peña Date
Print Title & Name

Reviewer: _____
Signature Print Title & Name Date